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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

INTEL CORPORATION,

Plaintiff,

v.

FORTRESS INVESTMENT GROUP LLC,
FORTRESS CREDIT CO. LLC, UNILOC
2017 LLC, UNILOC USA, INC., UNILOC
LUXEMBOURG S.A.R.L., VLSI
TECHNOLOGY LLC, INVT SPE LLC,
INVENTERGY GLOBAL, INC., IXI IP, LLC,
and SEVEN NETWORKS, LLC,

Defendants.

Case No. 3:19-cv-07651-EMC

**INTEL CORPORATION'S NOTICE OF
ERRATA REGARDING ITS
OPPOSITION TO MOTION TO
DISMISS**

Intel Corporation (“Intel”) hereby files this Notice of Errata Regarding its Memorandum of Points and Authorities in Opposition to Defendants’ Joint Motion to Dismiss and to Strike Plaintiffs’ Amended Complaint (“Opposition”).

In its Opposition, Intel inadvertently cited the dissenting opinion in *United States v. LSL Biotechnologies*, 379 F.3d 672 (9th Cir. 2004), without identifying it as such. Dkt. No. 253 at 12, 14, 27. Intel became aware of this error from Defendants’ Reply Brief. Dkt. No. 267-4, at 6.

Intel cited *LSL Biotechnologies*, 379 F.3d at 699, in its Opposition three times.

First, as support for the statement in Federal Rule of Civil Procedure 8(a)(2) that a complaint must include “a short plain statement of the claim” to “put the defendant on notice of the claim against it.” Dkt. 253 at 12. This statement is also supported by a citation to *Coal. For ICANN Transparency, Inc. v. VeriSign, Inc.*, 611 F.3d 495, 501–03 (9th Cir. 2010).

Second, as support for the statement that “all that is required is that Plaintiffs put Defendants on notice of the allegations against them, and the relevant markets in which anticompetitive effects occur. Dkt. No. 253 at 14.

Third, as a secondary supporting citation for the proposition that “Plaintiffs are not required to allege further details regarding the strength or weakness of the specific patents in the relevant markets before discovery.” Dkt. No. 253 at 27. This statement is primarily supported by citation to *Bio-Rad Labs., Inc. v. 10X Genomics, Inc.*, 483 F. Supp. 3d 38, 57 (D. Mass. 2020).

Intel hereby deletes the citations to *LSL Biotechnologies* on page 12 at lines 20-23 and on page 27 at lines 6-9.

Intel hereby replaces the citation to *LSL Biotechnologies* on page 14 at lines 6-9 with a citation to *Newcal Indus., Inc. v. Ikon Office Sol.*, 513 F.3d 1038 (9th Cir. 2008).

- Original sentence: All that is required is that Plaintiffs put Defendants on notice of the allegations against them, and the relevant markets in which anticompetitive effects occur. *See LSL Biotechnologies*, 379 F.3d at 699 (finding plaintiffs’ “short and plain statement” defining relevant market “was more than sufficient to put the defendants on fair notice of the claim and relevant market and enable them to frame responsive

- pleadings”).
- New sentence: All that is required is that Plaintiffs put Defendants on notice of the allegations against them, and the relevant markets in which anticompetitive effects occur. *See, e.g., Newcal Indus., Inc. v. Ikon Office Sol.*, 513 F.3d 1038, 1044-45 (9th Cir. 2008) (“[T]he plaintiff must allege both that a ‘relevant market’ exists and that the defendant has power within that market. There is no requirement that these elements of the antitrust claim be pled with specificity. An antitrust complaint therefore survives a Rule 12(b)(6) motion unless it is apparent from the face of the complaint that the alleged market suffers a fatal legal defect.”) (citation omitted).

Intel is filing a Notice of Errata instead of a Motion for Leave to File a Corrected Opposition to avoid the need for Defendants to submit a corrected reply brief with updated page and line number citations to the Opposition.

Defendants have confirmed that they do not object to Intel filing this Notice of Errata.

DATED: August 25, 2021

Respectfully submitted,

By: /s/ Mark D. Selwyn

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CERTIFICATE OF SERVICE

On this 25th day of August 2021, I hereby certify that I caused the foregoing document entitled Intel Corporation's Notice of Errata Regarding its Opposition to Motion to Dismiss to be filed via the court's CM/ECF system, which shall send notice to the counsel of record for the parties.

DATED: August 25, 2021

Respectfully submitted,

By: /s/ Mark D. Selwyn

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